

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 8/25/2016

Action Requested By:  
Planning

Agenda Item Type  
Ordinance

Subject Matter:

Annexation of land.

Exact Wording for the Agenda:

Introduction of an ordinance concerning the annexation of 45.41 acres of land lying on the west side of Old Big Cove Road and on the north side of Knotty Walls Road.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Introduction Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 8/15/2016

**ORDINANCE NO. 16-**

**WHEREAS**, Steve Buford Smith, Sr., as Personal Representative of the Estate of Nellie Jo Buford Smith, and Joe Thomas Smith, as Personal Representative of the Estate of Nellie Jo Buford Smith and Power of Attorney, have petitioned the governing body of the City of Huntsville, Alabama, requesting that certain property or territory be annexed to the City of Huntsville, Alabama; and

**WHEREAS**, said petition contained the signatures of the owners of the property as the same is assessed for ad valorem tax purposes; and

**WHEREAS**, said property is contiguous to the present city limits of the City of Huntsville, Alabama, and does not lie within the corporate limits of any other municipality; and

**WHEREAS**, a map of said territory showing its relationship to the corporate limits of the City of Huntsville, Alabama, has been filed with the City Clerk-Treasurer; and

**WHEREAS**, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that it is necessary and proper and in the public interest that said property be brought within the corporate limits of the City of Huntsville, Alabama;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows;

1. That the City Council of the City of Huntsville, Alabama hereby assents to the annexation of certain property to the City of Huntsville, Alabama, which said property as hereinabove referenced is more particularly described as follows:

All that part of the Northeast Quarter of Section 14, Township 5 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the northeast corner of said Section 14; thence from the point of beginning and along the north boundary of said Section 14 Due West 1,489.78 feet; thence leaving said boundary South 00 degrees 59 minutes 50 seconds West 843.84 feet to a point located on the west right-of-way of Old Big Cove Road; said point is further described as the point of true beginning; thence from point of true beginning and along said right-of-way South 01 degrees 23 minutes 00 seconds East 331.41 feet; thence South 02 degrees 02 minutes 40 seconds East 95.83 feet; thence South 05 degrees 50 minutes 07 seconds East 52.63 feet; thence South 11 degrees 27 minutes 08 seconds East 93.42 feet; thence South 16 degrees 42 minutes 25 seconds East 50.43 feet; thence leaving said right-of-way South 34 degrees 33 minutes 03 seconds West 14.81 feet; thence Due South 1,140.40 feet to a point located on the south right-of-way of Knotty Walls Road; said point is further described as being located on the existing

ORDINANCE NO. 16-

corporate limits of the City of Huntsville; thence along said right-of-way North 88 degrees 31 minutes 16 seconds West 1,135.60 feet; thence leaving said right-of-way North 03 degrees 23 minutes 59 seconds East 162.30 feet; thence leaving existing corporate limits North 01 degrees 54 minutes 28 seconds East 827.68 feet; thence North 01 degrees 09 minutes 09 seconds East 718.93 feet; thence South 88 degrees 00 minutes 00 seconds East 166.56 feet; thence North 02 degrees 09 minutes 04 seconds East 114.66 feet; thence South 88 degrees 14 minutes 01 seconds East 296.69 feet; thence South 88 degrees 14 minutes 01 seconds East 296.69 feet; thence North 24 degrees 38 minutes 07 seconds East 26.25 feet; thence North 84 degrees 04 minutes 31 seconds East 372.86 feet; thence South 03 degrees 02 minutes 00 seconds East 150.00 feet; thence North 83 degrees 08 minutes 00 seconds East 187.27 feet to the point of true beginning and containing 45.41 acres, more or less.

2. That the corporate limits of the City of Huntsville, Alabama, are hereby extended and rearranged so as to embrace and include the hereinafter property as part of the corporate area of the City of Huntsville.

3. That this ordinance shall become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Judge of Probate Office of Madison County.

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama.

APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA  
COUNTY OF MADISON

PETITION FOR ANNEXATION TO THE CITY OF  
HUNTSVILLE, ALABAMA, UNDER ACT NO. 2228  
S.134, 1971 REGULAR SESSION

TO: The City Clerk-Treasurer of the City of Huntsville, Alabama

The undersigned, Steve Buford Smith, Sr., as Personal Representative of the Estate of Nellie Jo Buford Smith, and Joe Thomas Smith, as Personal Representative of the Estate of Nellie Jo Buford Smith and Power of Attorney, hereby petition the Mayor and City Council of the City of Huntsville, Alabama, to bring the hereinafter described property within the corporate limits of the City of Huntsville under the provisions of Act No. 2228, S. 134, of the 1971 Regular Session of the Legislature of Alabama. The undersigned respectfully requests that the property or territory hereinafter described be annexed to the City of Huntsville. We further certify that we have the right and authority to make and file this petition for annexation, that said property is contiguous to the existing corporate limits of the City of Huntsville, Alabama, which said City has a population of more than 2,000, and that said property does not lie within the corporate limits of any other municipality, and we do hereby respectfully petition the Mayor and City Council of the City of Huntsville to adopt an ordinance assenting to the annexation of said property to the City of Huntsville. We further certify that the property is assessed for ad valorem tax purposes in the names of Steve Buford Smith, Sr. and Joe Thomas Smith.

All that part of the Northeast Quarter of Section 14, Township 5 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the northeast corner of said Section 14; thence from the point of beginning and along the north boundary of said Section 14 Due West 1,489.78 feet; thence leaving said boundary South 00 degrees 59 minutes 50 seconds West 843.84 feet to a point located on the west right-of-way of Old Big Cove Road; said point is further described as the point of true beginning; thence from point of true beginning and along said right-of-way South 01 degrees 23 minutes 00 seconds East 331.41 feet; thence South 02 degrees 02 minutes 40 seconds East 95.83 feet; thence South 05 degrees 50 minutes 07 seconds East 52.63 feet; thence South 11 degrees 27 minutes 08 seconds East 93.42 feet; thence South 16 degrees 42 minutes 25 seconds East 50.43 feet; thence leaving said right-of-way South 34 degrees 33 minutes 03 seconds West 14.81 feet; thence Due South 1,140.40

feet to a point located on the south right-of-way of Knotty Walls Road; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence along said right-of-way North 88 degrees 31 minutes 16 seconds West 1,135.60 feet; thence leaving said right-of-way North 03 degrees 23 minutes 59 seconds East 162.30 feet; thence leaving existing corporate limits North 01 degrees 54 minutes 28 seconds East 827.68 feet; thence North 01 degrees 09 minutes 09 seconds East 718.93 feet; thence South 88 degrees 00 minutes 00 seconds East 166.56 feet; thence North 02 degrees 09 minutes 04 seconds East 114.66 feet; thence South 88 degrees 14 minutes 01 seconds East 296.69 feet; thence South 88 degrees 14 minutes 01 seconds East 296.69 feet; thence North 24 degrees 38 minutes 07 seconds East 26.25 feet; thence North 84 degrees 04 minutes 31 seconds East 372.86 feet; thence South 03 degrees 02 minutes 00 seconds East 150.00 feet; thence North 83 degrees 08 minutes 00 seconds East 187.27 feet to the point of true beginning and containing 45.41 acres, more or less.

Attached hereto marked Exhibit A is a map of said territory showing its relationship to the corporate limits of the City of Huntsville, which said map is further identified as being entitled "Knotty Walls Property to be Annexed."

IN WITNESS WHEREOF, the undersigned have set their hand and seal the date herein indicated.

PREPARED BY  
CITY OF HUNTSVILLE  
PLANNING DIVISION



Steve Buford Smith Sr. (SEAL)  
As its: Personal Representative of Nellie Jo Buford Smith

STATE OF ALABAMA

COUNTY OF MADISON

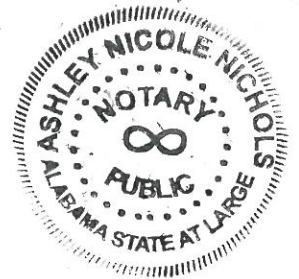
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Steve Buford Smith Sr. whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of the within annexation petition, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office, this the 15<sup>TH</sup> day of August, 2016.

Ashley Nicole Nichols  
NOTARY PUBLIC

Commission expires

8/12/2020



STATE OF ALABAMA

COUNTY OF MADISON

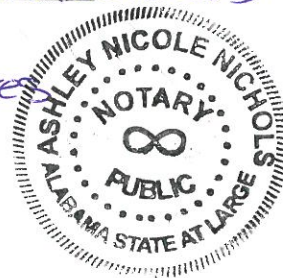
*Joe Thomas Smith* (SEAL)  
As its: Personal Representative  
of Estate for Nellie Jo Smith  
Power of Attorney for  
Nellie Jo Smith

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Joe Thomas Smith whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of the within annexation petition, he/she executed the same voluntarily on the day the same bears date.

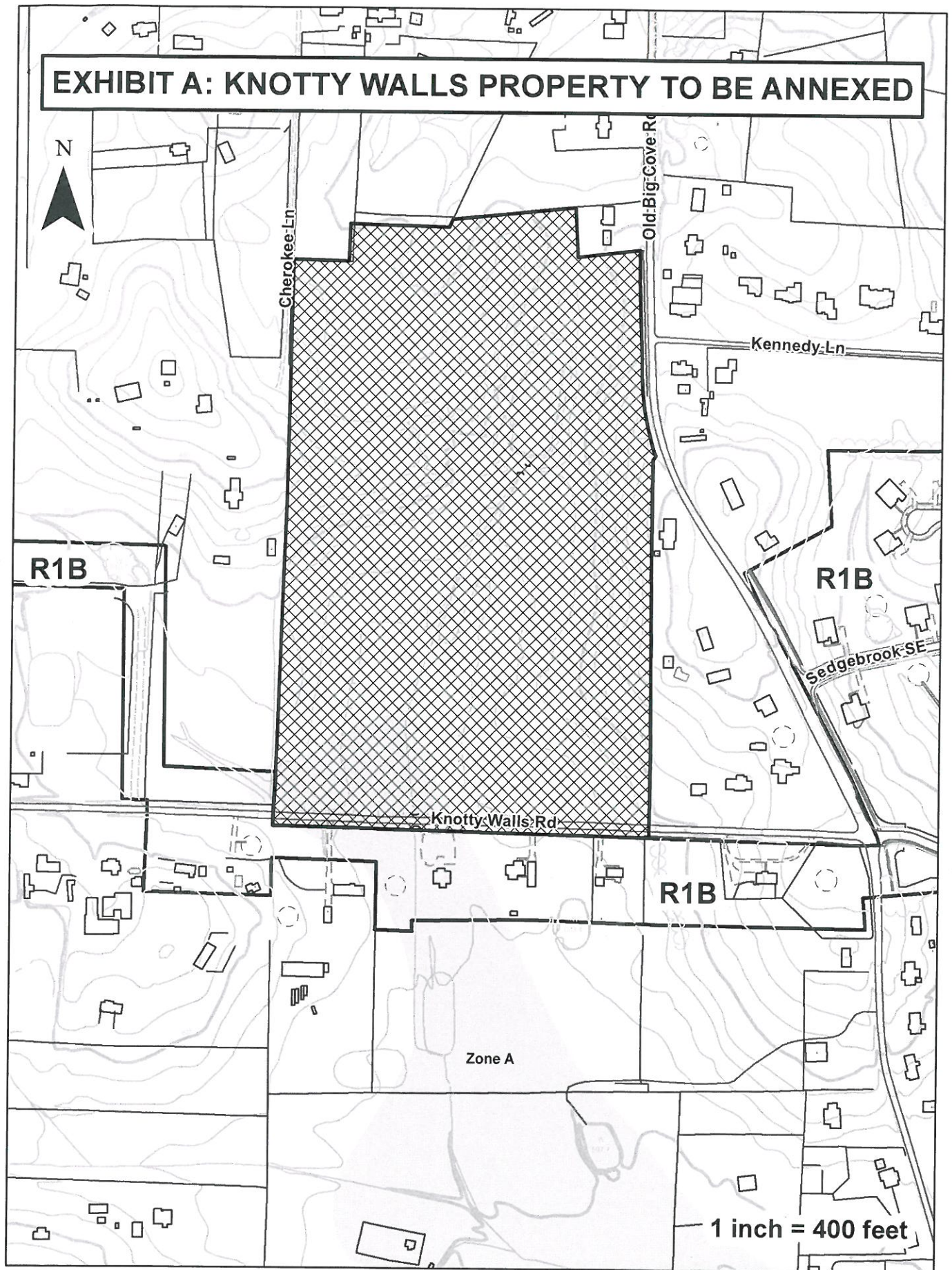
Given under my hand and official seal of office, this the 15<sup>TH</sup> day of AUGUST, 2016.

*Ashley Nicole Nichols*  
NOTARY PUBLIC

Commission expires  
8/12/2020



# EXHIBIT A: KNOTTY WALLS PROPERTY TO BE ANNEXED





**ANNEXATION SUMMARY: KNOTTY WALLS**

August 9, 2016

PETITIONERS: Steve Buford Smith, Sr. and Joe Thomas Smith

LOCATION: Township 5 South, Range 1 East, Section 14

On the west side of Old Big Cove Road and on the north side of  
Knotty Walls Road

ACREAGE: 45.41 acres

REASON FOR  
REQUEST: City Services/Schools

## ANNEXATION GUIDELINES: KNOTTY WALLS

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

IS NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

RESIDENTIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNERS; COPY ATTACHED

**STATEMENT REGARDING  
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations. Please note that the National agency that established the rating schedule for fire insurance premiums (ISO) assigns a higher rate to property that is over 5 road miles from their responding fire station and/or over 1000 feet from a fire hydrant.

Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

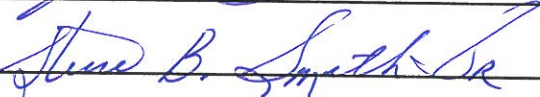
Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

\* \* \* \*

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner  Date 8-4-16

Petitioner  Date Aug 4/16